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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,945	02/10/2004	Alexander B. Beaman	P1913-C2/522C-2	4257

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EXAMINER
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CHUNG, DANIEL J

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/776,945

**Applicant(s)**

BEAMAN ET AL.

**Examiner**

Daniel J Chung

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-18 are presented for examination. This office action is in response to the amendment filed on 11-15-2004.

#### ***Information Disclosure Statement***

The IDS filed 2-10-2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Specifically, all U.S patents have been considered, but copies of the other documents (Erfert Fenton) have apparently not been provided, and thus the information referred to therein have not been considered. Applicant must provide copies of these documents if there are to be considered as to the merits.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flowers, Jr. (5,533,174) in view of Fenwick (5,412,771).

Regarding claim 1, Flowers discloses that the claimed feature of a system for glyph construction comprising: a graphics system; a glyph server ["FAF font server"; 16] means coupled to the graphics system; and an operating system ["operating system"] coupled to the glyph server [16]. (See Abstract, Fig 2, col 2 line 30-col 3 line 30)

Flowers does not specifically disclose a graphic system that glyph to font generation. However, Fenwick shows glyph to font generation in an analogous art for the purpose of font generation. (See Abstract, col 2 line 30-56) It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply Fenwick's glyph to font generation to the teaching of Flowers, in order to produce a font for creating strings of glyphs representing characters, as such improvement is also advantageously desirable in the teaching of Flowers for rendering the overall appearance of the displayed characters and symbols.

Regarding claim 2, Flowers discloses that a line layout core unit receiving glyph codes [i.e. "a set of code name", "character code"] from the graphics system and determining glyph data descriptions [i.e. "font description"]. (See Fig 2, col 6 line 38-40, col 11 line 38-61, col 12 line 23-32)

Regarding claim 3, Flowers does not explicitly disclose a glyph cache unit. However, glyph cache is an obvious embodiment of the notoriously well-known cache memory for storing data.

Regarding claim 4, Flowers discloses that an open font architecture services unit coupled to the glyph cache unit for permitting support of multiple font file formats. (See Abstract, col 2 line 50-col 3 line 16, col 4 line 16-21)

Regarding claim 5, Flowers discloses that one scalar unit [i.e. "scalable font"] coupled to the open font architecture unit for receiving requests from the open font architecture unit and interpreting font data within a font file. (See Abstract)

Regarding claim 6, Flowers discloses that a font object management unit coupled to the at least one font scalar and handling requests for the font data. (See Fig 2)

Regarding claim 7, Flowers discloses that an attribute group support unit coupled to and supporting a data structure for communication among the line layout core unit, the glyph cache unit, the open font architecture services unit, the font scalar unit, and the font object management unit. (See Fig 2)

Regarding claim 8, claim 8 is similar in scope to the claims 2-7, and thus the rejections to claims 2-7 hereinabove are also applicable to claim 8.

Regarding claim 9, Flowers discloses that the line layout core unit processes a layout of the glyph codes to produce a glyph record array. (See Abstract)

Regarding claim 10, refer to the discussion for the claim 1 hereinabove, Fenwick discloses that the line layout core unit processes the layout for positional and non-positional adjustments. (See Fig 3, col 5 line 39-45, col 7 line 24-47)

Regarding claim 11, Flowers discloses that the glyph cache unit provides metrics and rendering s to update the glyph code array. (See Fig 3A)

Regarding claim 12, Flowers discloses that the open font architecture services unit updates the glyph code array with pointers to the glyph renderings. (See Abstract, Fig 2)

Regarding claim 13, refer to the discussion for the claim 1 hereinabove, Flowers discloses that the claimed feature of a method for processing a line of text in a graphics system running on a computer system and displaying typographic glyphs on a display device of the computer system, the method comprising: mapping the input text into glyph codes [i.e. "a set of code name", "character code"]; forming an initial glyph ["glyph"] record array, the initial glyph record array comprising a plurality of glyph records for the glyph codes; processing a layout of the glyph codes to produce an

updated glyph record array [See Fig 3A, 3B]; rendering the updated glyph record array to produce a final glyph record array; and rendering a display of the typographic glyph output from the final glyph record array. (See Abstract, Fig 2, Fig 3, col 2 line 30-col 3 line 30)

Regarding claim 14, refer to the discussion for the claim 1 hereinabove, Fenwick discloses that performing non-positional and positional adjustments to the glyph codes. (See Fig 3, col 5 line 39-45, col 7 line 24-47)

Regarding claim 15, refer to the discussion for the claim 1 hereinabove, Fenwick discloses that the non-positional adjustments comprise determining reordering, ligatures, insertions, rearrangements, and non-contextual and contextual substitutions. (See Fig 3, col 5 line 39-45, col 7 line 24-47)

Regarding claim 16, refer to the discussion for the claim 1 hereinabove, Fenwick discloses that the positional adjustments comprise determining adjustments due to tracking, justification, kerning, baselines, optical edges, and hanging punctuation. (See Fig 3, col 5 line 39-45, col 7 line 24-47)

Regarding claim 17, refer to the discussion for the claim 1 hereinabove, Fenwick discloses that glyph data in an order for display and with positioning adjustments for advance widths of the glyph data. (See Fig 3, col 5 line 39-45, col 7 line 24-47)

Regarding claim 18, refer to the discussion for the claim 1 hereinabove, Fenwick discloses that obtaining advance widths of the glyph data, and obtaining pointers for glyph renderings. (See Fig 3, col 5 line 39-45, col 7 line 24-47)

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,714,199. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims of patent No. 6,714,199 contains substantially every element of claims 1-8 of the instant application, and "a graphics system" and "operating system" of the presented application is necessarily required elements for typographic glyph construction, as described in patent No. 6,714,199, in order to perform/render the glyph



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construction, therefore it would have been obvious to include such limitation in the instant application.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

#### **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

#### **or faxed to:**

**(703) 872-9306 (Central fax)**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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djc

February 1, 2005

*Jeffrey A. Bruns*  
JEB/BJL/LSH  
PRIMARY EXAMINER